



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DESROY CLARKE,

Petitioner,

13 **CIVIL** 4812 (NSR)(JCM)

-against-

JUDGMENT

T. GRIFFIN, Superintendent of Eastern
Corrections Facility,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated October 28, 2020, Magistrate Judge Judith C. McCarthy's R & R is adopted in its entirety. The petition for a writ of habeas corpus is therefore denied. As Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c)(2); *Love v. McCray*, 413 F.3d 192, 195 (2d Cir. 2005); *Lozada v. United States*, 107 F.3d 1011, 1017 (2d Cir. 1997), abrogated on other grounds by *United States v. Perez*, 129 F.3d 225, 25960 (2d Cir. 1997). The Court certifies pursuant to 18 U.S.C. § 1915(a)(3) that any appeal from the order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); accordingly, the case is closed.

Dated: New York, New York
October 29, 2020

RUBY J. KRAJICK

Clerk of Court

BY:

Deputy Clerk